



Select Board Meeting – Amended June 5, 2020

Monday, June 8, 2020 4:30 PM

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -5 P 4: 16

I. Call to Order – 4:30 P.M.

TOWN OF ANDOVER, MASS

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Regular Business of the Board

A. Statement Against Hatred – (10 minutes)

Board to review statement against hatred and consider voting to release statement.

B. Outdoor Dining on Private Property - (20 minutes)

Board to review and consider voting to approve regulations authorizing Outdoor Dining on Private Property.

C. Closure of Barnard Street - (20 minutes)

Board to receive update on possible closure of Barnard Street to support outdoor dining.

D. Municipal Vulnerability Preparedness Program Grant - (10 minutes)

Board to review and consider authorizing the Chair to sign a letter of support for a green infrastructure grant administered by the Executive Office of Energy and Environmental Affairs' Municipal Vulnerability Preparedness Program.

IV. Adjourn

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45. Members of the public who wish to ask a question on particular agenda items during the meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

XI.7 TEMPORARY REGULATIONS FOR COVID-19 COMMUNITY EVENT:

LICENSES FOR OUTDOOR DINING ON PRIVATE PROPERTY

These temporary regulations are adopted pursuant to the Resolution of the Select Board dated May 18, 2020 for the Town Manager's to-be-declared 120-day community event in response to the COVID-19 Coronavirus and the Governor's Emergency COVID-19 Order No. 35, dated June 1, 2020

OUTDOOR DINING ON PRIVATE PROPERTY:

1. The provisions of Policy XI.5 regulating outdoor dining shall apply to outdoor dining on private property except as modified or deleted herein.
2. Notwithstanding the provisions of Policy XI.5 to the contrary, the Town Manager shall have all of the powers of the Select Board to issue outdoor dining licenses (ODL) on private property.
3. Policies XI.5.4 and XI.5.8 are deleted.
4. In Policy XI.5.7, the applicable insurance limits are revised to \$1,000,000 per occurrence and \$2,000,000 in the aggregate. If the applicant's outdoor dining plan does not involve crossing any Town property, including without limitation a Town sidewalk to access the outdoor dining area on private property, Policy XI.5.7 is inapplicable.
5. The applicant shall comply with all applicable regulations of the Architectural Access Board.
6. At least 50 percent of the perimeter of any covered dining space must at all times remain open and unobstructed by any form of siding or barriers.
7. Applicants shall conduct activities under issued ODLs in accordance with all State and local social distancing requirements.

ALCOHOL BEVERAGES ON PRIVATE PROPERTY

8. If an application is made to the Select Board for approval of an extension of the licensed premises for service of alcoholic beverages onto private property, the applicant must comply with the Alcoholic Beverages Control Commission's "Guidelines For An Extension of Premises to Patio and Outdoor Areas," approved July 28, 2015.
9. Further, any such the applicant must comply with Policy XI.2.I "Section 12 Pouring License Premises: Patio and Outdoor Areas," except that if a parking lot is included in the area approved by the Select Board as an extension of the premises, paragraph 7 of said policy shall not apply to the approved area.
10. Applicants shall conduct activities according to all State and local social distancing requirements.

DURATION

Pursuant to the Governor's Order, on November 1, 2020 or the date the Governor's Order is rescinded, whichever is sooner, any approval and ODL issued under this Policy XI.7, and any amended alcoholic beverage license issued by the Select Board as a result of the Governor's Order, shall be rescinded.

Motion for Outdoor Dining on Private Property

I move that the Board vote to adopt Policy XI.7 TEMPORARY REGULATIONS FOR COVID -19 COMMUNITY EVENT: LICENSES FOR OUTDOOR DINING ON PRIVATE PROPERTY as presented today.

Kathryn Forina

From: Christine Hanson <christine@lallyrt.com>
Sent: Sunday, June 7, 2020 3:41 PM
To: manager
Cc: jmcardle
Subject: Barnard Street/Select Board Meeting 6/8/20 Agenda Item III. C
Attachments: Barnard St dining.docx

To: Select Board
Andover, MA

From: John J. McArdle III, Executor, Estate of Richard W. Lally, and Christine Hanson, Trustee, Lally II Realty Trust ("Lally")

Subject: Possible closure of Barnard Street to support outdoor dining

By way of background, with the exception of the Olde Town Hall, Lally owns all of the buildings on Barnard Street. We recently learned through the grapevine of discussions concerning the closure of Barnard Street. We believe that we should have been included in any on-site meetings or discussions concerning the street closure.

We have a vested interest to work with our tenants during these very difficult times. Everyone is being hurt by the pandemic and it is gratifying that the State and Town are reaching out to assist restaurants with outdoor seating. That being said, there are numerous other Barnard Street businesses and their needs can not be ignored in the quest to help the restaurants, in this case LaRosa's. It is important that any decision on outdoor dining not be to the detriment of other businesses on Barnard Street. The closure of Barnard Street might help LaRosa's but it most definitely would adversely impact everyone else by restricting the flow of activity on the street.

Lally opposes any closure of Barnard Street yet we are in favor of some limited outdoor dining in front of LaRosa's.

Lally requests that no action be taken on agenda item III.C Closure of Barnard Street at the Select Board's meeting scheduled for June 8, 2020 until after Lally and the appropriate Town officials have had the opportunity to meet and discuss outdoor dining alternatives for Barnard Street.

To: Select Board
Andover, MA

From: John J. McArdle III, Executor, Estate of Richard W. Lally, and Christine Hanson,
Trustee, Lally II Realty Trust ("Lally")

Subject: Possible closure of Barnard Street to support outdoor dining

By way of background, with the exception of the Olde Town Hall, Lally owns all of the buildings on Barnard Street. We recently learned through the grapevine of discussions concerning the closure of Barnard Street. We believe that we should have been included in any on-site meetings or discussions concerning the street closure.

We have a vested interest to work with our tenants during these very difficult times. Everyone is being hurt by the pandemic and it is gratifying that the State and Town are reaching out to assist restaurants with outdoor seating. That being said, there are numerous other Barnard Street businesses and their needs can not be ignored in the quest to help the restaurants, in this case LaRosa's. It is important that any decision on outdoor dining not be to the detriment of other businesses on Barnard Street. The closure of Barnard Street might help LaRosa's but it most definitely would adversely impact everyone else by restricting the flow of activity on the street.

Lally opposes any closure of Barnard Street yet we are in favor of some limited outdoor dining in front of LaRosa's.

Lally requests that no action be taken on agenda item III.C Closure of Barnard Street at the Select Board's meeting scheduled for June 8, 2020 until after Lally and the appropriate Town officials have had the opportunity to meet and discuss outdoor dining alternatives for Barnard Street.

Kathryn Forina

From: johncdoub@gmail.com
Sent: Monday, June 8, 2020 12:24 PM
To: Laura Gregory
Cc: Kathryn Forina
Subject: Barnard Street closing for outdoor dining

Dear Ms. Gregory,

I am writing to express our opposition to the proposed plan of closing Barnard Street.

We are supportive of the town's efforts to assist the restaurants' recovery. We have discussed the plans with Ann Ormond over the past weeks. Last week she confirmed with me that tables for outdoor dining would replace the parking spaces, extending from Main Street to the edge of LaRosa's. They would not be in front of Irresistibles and that the parking spaces in front of our building would remain.

I have now been informed that there is a proposal to close Barnard Street.

Irresistibles has been in Andover for 25 years and the last 15 years at 15 Barnard St. During this time we have developed a large local customer base. The proposed closing of Barnard Street to traffic in order to allow outdoor dining and tents in front of our store would have a severe impact on our business, as well as that of other businesses located along Barnard Street:

- It would eliminate 20 parking spaces and impact access to the public parking lot across the street from our store. Many of our customers enjoy visiting Irresistibles and the other stores along Barnard Street for the parking convenience.
- Allowing outdoor dining in front of our store would obstruct the visibility of our show windows and impede access to our store.
- Closing off the street eliminates the opportunity for customers to drive by and view our display windows – retail stores in a downtown setting rely heavily on street visibility. If we are out of sight we are out of mind.
- It makes it extremely difficult to receive truck deliveries.
- The proposed use of outdoor tents for a one day event such as in "Andover Days" would be reasonable. If it were on a continuing basis it impedes access to our store and deters customers from shopping with us.

Retail stores such as Irresistibles pay significant town taxes and have also suffered greatly with a three month closure. I am concerned that the well intentioned actions to help one business group will in fact adversely impact another business group that is every bit as vital to Andover's economy.

Thank you for your consideration.

John C Doub
IRRESISTIBLES
7 Hawkes St
Marblehead, MA 01945
o: 781-631-1248
c: 617-834-0102

Kathryn Forina

From: Lisa Duffy <lisa@savoirfairehome.com>
Sent: Monday, June 8, 2020 12:43 PM
To: Kathryn Forina; Laura Gregory
Subject: Proposed closing of Andover and Barnard St

Hi Kathryn and Laura,

I hope this email finds you well and that both of you are safe during these difficult times. My name is Lisa Duffy, owner of Savoir Faire Home, located at 23 Barnard St in Andover. I am writing to you both today to express my concerns over the proposed shutting down of Main St. and Barnard St. for 120 days to allow for outdoor dining.

I opened my shop in Andover in 2005. Small businesses are the backbone of the economies in many small towns, and Andover is no exception. Over the past fifteen years of having my business in Andover, many people have approached me about moving to busier areas of Massachusetts, where the problems I face in Andover would be non-existent. Every time someone suggests this to me, I am quick to refute them, as I believe in the preservation of Andover's historic downtown and believe that the town's charm is unlike anywhere else.

I recognize the need to support small local businesses and am grateful that the town is actively trying to find creative ways to do so. Nevertheless, I am afraid that this effort will end up hurting more small businesses rather than help. I'm sure you both acknowledge the challenging retail atmosphere that downtown Andover fosters. Even in reliable economic periods, the availability, accessibility, and confusion surrounding parking hamper customers from adequately enjoying the downtown shops. In addition, my delivery services frequently struggle with navigating the downtown streets to deliver essential items to my shop. Third, my business already loses the majority of foot traffic that Main Street receives the luxury. I, along with many others in the area, rely on the parking outside my store to maintain a customer base and smoothly run my shop.

Today we are faced with a situation that none of us have ever dealt with before. I understand that this proposal may have been created with the best intentions. Still, I implore you to analyze further how this proposal will affect a majority of small businesses in the area. Restaurants have been able to stay open during COVID-19 through take-out and delivery options, and have been able to sustain a somewhat steady revenue stream through these accommodations. My shop, for example, has had its doors shut since March 16. It has been eighty-two days since I have welcomed a customer in my store—eighty-two days since I have been able to sell anything from inside my shop. If the small businesses in the area, like mine, have to incur another 120 days of disrupted access upon reopening, I am genuinely concerned about what would happen to the downtown area.

Again, I strongly urge you to reconsider how this proposal could impact the greater small business community in downtown Andover. The street closure to the downtown area will have a detrimental impact on my business, and I am fearful that many others would also not be able to sustain further financial strain. I feel as if I am at a loss here as this was sprung up on the community very quickly, without requested input about how this may impact the community. I understand we are all struggling, but I appeal for you to find a solution that will support all small businesses in the area, as opposed to the select few that would benefit from this proposal.

Thank you for your time, and I hope you can recognize from the place I am coming. Please do not hesitate to reach out should you have any further questions.

Lisa Duffy

Sent from my iPad

Municipal Vulnerability Preparedness Program Action Grant Application for Parking Lots 1 & 2

As you may know, the Planning Department and Board has been working on a grant application for green infrastructure to be added to a construction contract for the redevelopment of Lots 1& 2. You will likely get an update at your next meeting and the Planning Department will update us on the Planning Board the next day. Here are a few points about it (Lisa Schwartz has developed a more comprehensive update for your meeting):

The Town is redeveloping Lots 1 & 2 behind Old Town Hall. We have two approaches under consideration, one which handles stormwater in a conventional fashion and one which uses "green infrastructure".

The existing conditions at the site are that there are approx. 2 acres with 95% coverage by asphalt paving, with deep sump catch basins but otherwise no stormwater management. Roger's Brook runs in a 84" culvert along the southern edge of the lots; the culvert diverts approx. 50% of the stream through downtown. The brook is a significant tributary to the Shawsheen. In 1998 the Shawsheen and tributaries were placed on the State's list of water quality impaired water bodies for bacteria. While illicit sewer connections were the main problem during low flow conditions, in a high flow event, stormwater runoff becomes the source component of greatest significance. Under a 500-year storm event, flooding will occur along the southern edge of the area, particularly impacting Lot 2.

The contract as currently conceived will call for centralized parking for Main Street shopping and dining, handicapped parking near Main, sidewalk connectivity along public streets and public realm spaces for resting and gathering with completely updated paving and design. It uses "best management practices" for storm water management which would be a significant update to existing conditions.

We are applying to the Executive Office of Energy and Environmental Affairs' Municipal Vulnerability Preparedness Program for a grant and this opportunity provides us with a chance to improve upon the baseline contract.

The green infrastructure approach, an add-on to the contract, would use **more street trees** to provide shade and reduce the heat island effect than the baseline contract would. In addition, the lots would use **bioretention soils/cells and rain gardens** of plantings to collect, treat, store and infiltrate stormwater in place. Overflow would discharge into the stormwater drainage system. It would replace some of the catch basins and drainage pipes. The design work is currently being done by GPI (Green-Pedersen, Inc).

Public outreach has and will continue to occur throughout the process. When complete, onsite signage will explain the design elements, and the Town plans a public celebration.

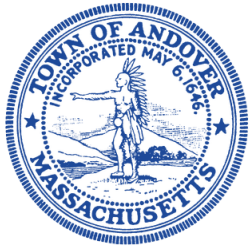
We have prepared a draft letter of support for the Select Board to consider signing at your next meeting. We have prepared a more detailed letter from the Planning Board, given the Board's

role in the project, but you may want to revise this draft similarly, to reflect the points that you think the Select Board should be making.

We hope to have all letters signed and returned to Joyce Losick-Yang by Tuesday morning, as the submission to the State will be made shortly after that.

Thank you in advance for your help and support,

Ann Knowles
Planning Board



TOWN OF ANDOVER

36 Bartlet Street
Andover, MA 01810
(978) 623-8215
www.andoverma.gov

June 9, 2020

Ms. Kara Runsten, MVP Program Manager
Executive Office of Energy and Environmental Affairs (EEA).
100 Cambridge Street
Suite 900
Boston, MA 02114

Dear Ms. Runsten:

The Select Board of the Town of Andover strongly endorses the Town's Municipal Vulnerability Action Grant proposal for Public Parking Lot 1 (behind the Old Town Hall at 20 Main Street) & Lot 2 (Park Street.)

The Select Board has made sustainability a priority for Andover, and our new Sustainability Coordinator is doing an excellent job guiding the town through the process of thinking strategically about climate change and the challenges it poses for our community. The MVP round table sessions brought together people with many perspectives—town leaders, department heads, residents, utility representatives and others—to identify priorities.

The Town identified this project as a high priority during the MVP Planning Grant process. The new redesign of the parking lots to include green infrastructure allows for a better pedestrian environment and improved connectivity throughout town, as well as better shade conditions and reduced summertime temperatures in the lots for vehicles and people. Green infrastructure methods, such as rain gardens, will be used onsite. The central location of this project will enable it to be a springboard for community conversation and awareness about nature-based solutions to climate change impacts. Andover has been a Green Community for a number of years, working hard on energy conservation, building code changes, and solar energy. The MVP Program offers a framework for additional progress, and we look forward to partnering with the state as we work to reduce our vulnerability to climate change.

Regards,

Laura M. Gregory, Chair
Andover Select Board

Motion for Municipal Vulnerability Preparedness Program Action Grant Application

I move that the Select Board authorize the Chair to sign a letter in support of the Town of Andover's Municipal Vulnerability Action Grant Proposal.